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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/484,344	01/18/2000	M. Rene Chauvin	9320.95US01	9589

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EXAMINER

STRIMBU, GREGORY J

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 10/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/484,344

Applicant(s)

CHAUVIN, M. RENE

Examiner

Gregory J. Strimbu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 15 July 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Drawings

The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on April 17, 2002 and July 15, 2003 have been approved.

Specification

The disclosure is objected to because it does not clearly incorporate U.S. Patent No. 5,809,706 into the specification.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 42-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson et al. in view of Ojanen et al. Jackson et al. discloses a door for an automobile vehicle, comprising a lower part (not numbered, but seen in figure 2) without guide means for moving a window, and an upper door part (not numbered, but seen in figure 2) that comprises a window assembly including fixed window panel 68 having an inner surface that faces an interior of the vehicle upon which the door is to be mounted and at least one movable window panel 56 adjacent the fixed window panel and adapted to open and close an opening in the upper door part, a frame 44, 46 connected to and

supporting the window assembly, and support elements, 42 and the portion of the frame 44 extending orthogonally forward from the support element 42, connected to the frame, the support elements movably supporting the movable window panel such that the movable window panel is movable so as to open and close the opening, and further including means 100, 102, 104 for fixing the lower and upper parts to each other at an assembly area of the door, the assembly area extending approximately horizontally and corresponding to a top of the lower part and a bottom of the upper part. Jackson et al. is silent concerning the frame connected to the fixed window panel at only the inner surface of the fixed window panel.

However, Ojanen et al. discloses an automobile comprising an upper door part (not numbered, but seen in figure 1) comprising a window assembly including fixed window panel 18 having an inner surface that faces an interior of the vehicle upon which the door is to be mounted and at least one movable window panel 14 adjacent the fixed window panel and adapted to open and close an opening in the upper door part, a frame 26 connected to and supporting the window assembly, the frame 26 is connected to the fixed window panel 12 at only the inner surface of the fixed window panel and an adhesive 50 for assembling the window assembly to the remainder of the door 21.

It would have been obvious to one of ordinary skill in the art to mount the window panel system of Jackson et al., as taught by Ojanen et al., to improve the aerodynamics of the vehicle.

Response to Arguments

Applicant's arguments filed July 15, 2003 have been fully considered but they are not persuasive.

With respect to the applicant's comments concerning Ojanen et al. and Jackson et al., the examiner respectfully disagrees. Ojanen et al. discloses an upper door part comprising a frame 26 wherein a window panel 12 is fixed to the frame only at the inner surface of the window panel. The frame 26 is then attached to the remainder of the door at an assembly area via an adhesive 50 as shown in figure 4. Jackson et al. discloses a very similar structure comprising a frame 44 and 46 including window panels 56 and 68 wherein the frame is attached to the remainder of the door via attachment means 100, 102 and 104 at an assembly area. In both Ojanen et al. and Jackson et al., the assembly area, as best understood by the examiner, extends the entire length of the upper part. It would have been well within the purview of one with ordinary skill in the art combine the teachings of Jackson et al. and Ojanen et al.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

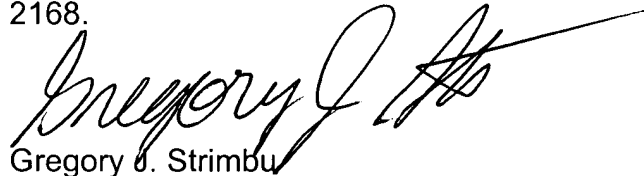
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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 703-305-3979. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

A handwritten signature in black ink, appearing to read "Gregory J. Strimbu", with a long horizontal flourish extending to the right.

Gregory J. Strimbu
Primary Examiner
Art Unit 3634
October 6, 2003